



DAN MORALES
ATTORNEY GENERAL

Office of the Attorney General
State of Texas

August 14, 1991

Ms. Genevieve G. Stubbs
First Assistant General Counsel
The Texas A&M University System
College Station, Texas 77843-1116

OR91-370

Dear Ms. Stubbs:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13024.

You have received a request for a copy of "a legal opinion and brief which was prepared by a private law firm at the request of the Chairman of the Board of Regents of The Texas A&M University System." You claim that the information requested is protected from disclosure under sections 3(a)(1) and 3(a)(7).

Section 3(a)(1) excepts from disclosure:

information deemed confidential by law, either Constitutional, statutory, or by judicial decision.

Section 3(a)(7) excepts from disclosure:

matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure. (Footnote omitted.)

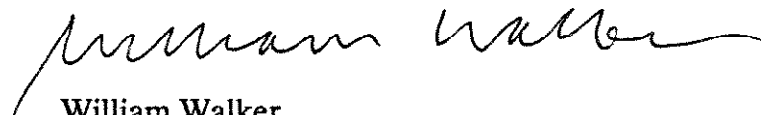
Open Records Decision No. 380 (1983) held that correspondence between a governmental body and its attorneys, if the correspondence contains legal advice or opinion, may be withheld from disclosure under the attorney-client privilege aspect of section 3(a)(1). However, the attorney-client privilege does not apply to factual information, even if such information was prepared by an attorney for his client.

Open Records Decision No. 559 (1990). Similarly, Open Records Decision No. 574 (1990) held that basically factual communications from attorney to client which do not reveal the attorney's legal advice or opinion are not protected under section 3(a)(7).

The information you submitted consists of a memorandum with accompanying letters prepared by the law firm, as well as copies of two non-attorney communications which the law firm forwarded to the Board of Regents. The memorandum, from the bottom of page 8 beginning with the section titled "Certain Opinions of Counsel", to the end, page 60, is attorney advice or opinion which may be withheld. Certain material on the cover page and "Table of Contents" of the memorandum, as well as in the accompanying law firm letter of July 2, 1991, to the Board of Regents, may also be withheld as attorney advice or opinion. We have marked the material that may be withheld. The remaining portions of the information submitted consist of basically factually information or non-attorney communications and must be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-370.

Yours very truly,



William Walker
Assistant Attorney General
Opinion Committee

WW/GCK/mc

Ref: ID# 13024